IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
APPEAL FROM ORDER NO.617 OF 2005

Samundarsinha Bhanwarsinha Chouhan Appellant

Vs.

Dinesh Bhagchand Kasliwal& ors. Respondent

Mr.Prashant Kulkarni for appellant.

CORAM: B.H.MARLAPALLE,J.
August 09, 2005.

ORAL ORDER:

. None for the appellant. By the impugned order dated 30-6-2003 the application at Exhibit 5 filed in Special Civil Suit No.367 of 2001 has been allowed and the first and second defendants are directed to furnish security for the sum of Rs.2,35,800/- to be produced and placed at the disposal of the trial Court and until furnishing of such security, the property described in the application has been attached before judgment. In this appeal filed on or about 25-8-2003 neither the impugned order nor the trial of the suit has been stayed and in any case if the security is not furnished the suit property will remain attached until the suit is decided. The trial Court noted that the attachment order was passed as early as on 1-10-2001 and it was published by the plaintiff in a local newspaper on the very same day.

On the subsequent day of the publication the second defendant executed a sale deed at Exhibit 3/2 in respect of the suit property in favour of the third defendant and, therefore, the trial Court had no alternative but to direct furnishing of the security and in the alternative to continue the order of attachment till the suit is decided. No fault could be found with the reasoning given by the Court below while allowing the application at Exhibit 5.

. Hence the appeal is dismissed in limine. The trial of the suit is expedited if the same is still pending.

(B.H.MARLAPALLE,J.)